

# Exhibit 33

**STATE OF TEXAS, ET AL. vs UNITED STATES OF AMERICA, ET AL.  
Stephen Legomsky on 08/01/2018**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

STATE OF TEXAS, ET AL., )  
Plaintiffs, )  
vs. ) Case No. 1:18-cv-00068  
UNITED STATES OF AMERICA, ET )  
AL., )  
Defendants, )  
and )  
KARLA PEREZ, ET AL., )  
STATE OF NEW JERSEY, )  
Defendant-Intervenors. )

## THE DEPOSITION OF STEPHEN LEGOMSKY

Taken on behalf of Plaintiffs

August 1, 2018

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1 Q And because they got work authorization, the  
2 regulations applying to protect those with work  
3 authorization applied to these individuals and their  
4 DACA status?

5 A That's right. The practical effect of  
6 revoking DACA was that the work permit that depended  
7 on it was no longer in force.

8 Q And because of the protections of work  
9 authorization, the court in this case ruled that the  
10 Department of Homeland Security could not revoke these  
11 individuals' DACA status?

12 A That's right. They have to follow their own  
13 regulations.

14 Q Okay. I forgot to ask you one additional  
15 question. So earlier we had talked about the  
16 differences between DACA and DAPA; right? And you can  
17 think of two right now. One is the size of the  
18 population, which you said doesn't affect the merits  
19 of whether DACA and DAPA are legally the same thing;  
20 correct?

21 A In my opinion, it should not have that  
22 effect.

23 Q Okay. And then the second thing you  
24 mentioned was the ongoing nature of the DACA program  
25 as opposed to the soon-to-be implemented nature of the

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1 DAPA program; correct?

2 A Correct.

3 Q But, again, in your opinion, going to the  
4 underlying merits of whether these two programs are  
5 legal, that shouldn't make a difference; correct?

6 A Correct.

7 MR. DISHER: Okay. I have nothing further.

8 I'll pass the witness.

9 MS. PERALES: Can we take a break before  
10 Jeffrey gets his chance to ask questions?

11 MR. ROBINS: Sure.

12 (Whereupon, a brief break was taken.)

13 EXAMINATION

14 QUESTIONS BY MR. ROBINS:

15 Q So thank you, Mr. Legomsky. Again, my name  
16 is Jeff Robins. I'm the attorney representing the  
17 federal defendants from the Department of Justice and  
18 I probably only have three or four questions, give or  
19 take some follow-up.

20 As we wound up Mr. Dishier's questions, you  
21 were indicating your understanding of what happened in  
22 the Inland Empire matter based on Exhibit 11. Do you  
23 recall that?

24 A Yes.

25 Q And you stated that the court's ruling in

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REPORTER CERTIFICATE

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I, REBECCA L. TUGGLE, a Registered Professional Reporter, Certified Court Reporter, and Certified Shorthand Reporter within and for the State of Missouri, do hereby certify that there came before me on August 1, 2018, at Alaris Litigation Services, 711 N. 11th Street, St. Louis, Missouri 63101

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STEPHEN LEGOMSKY

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who was by me first duly sworn; that the witness was carefully examined; that said examination was reported by myself, translated and proofread using computer-aided transcription; and the above transcript of proceedings is a true and accurate transcript of my notes as taken at the time of the examination of this witness.

10

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this examination is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

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Dated this 2nd day of August, 2018.

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*Becca Tuggle*

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Rebecca L. Tuggle, RPR, CCR, CSR

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